

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	WDTX No. 1:09-M-234
vs.)	EDTN Mag. No. 1-09-MJ-154
)	
GERARDO PACHECO-SANCHEZ)	JUDGE CARTER

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on April 23, 2009, in accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure, on a Complaint and Warrant for Arrest out of the Western District of Texas charging unlawful flight to avoid prosecution (UFAP) for a state charge of aggravated assault with a deadly weapon. Those present for the hearing included:

- (1) AUSA Chris Poole for the USA.
- (2) The defendant, GERARDO PACHECO-SANCHEZ.
- (3) Attorney Charles Dupree for defendant.
- (4) Courtroom Deputy Russell Eslinger.
- (5) Spanish Interpreter Chandler Thompson.

After being sworn in due form of law, the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Attorney Charles Dupree was appointed to represent the defendant. It was ascertained defendant had been provided with a copy of the Warrant for Arrest and had the opportunity of reviewing those documents with Atty. Dupree, using the services of a translator. It was determined defendant was capable of understanding, through translation, the aforesaid documents he had been provided.

AUSA Poole moved defendant be detained without bail pending a hearing in the Western District of Texas.

The Court held an identity hearing and based on the testimony finds defendant is the individual charged with a violation of Texas law.

Findings

- (1) The defendant is the Gerardo Pacheco-Sanchez charged in the Criminal

Complaint with aggravated assault with a deadly weapon and charged with unlawful flight to avoid prosecution (UFAP) under federal law.

Conclusions

_____ It is ORDERED:

(1) Defendant shall be DETAINED WITHOUT BAIL pending his transfer to the Western District of Texas.

(2) The U.S. Marshal shall transport defendant to the Western District of Texas for state prosecution.

ENTER.

Dated: April 27, 2009

s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE